765878R-SH-R 77 - 1/83

COUNTY OF LOS ANGELES – SHERIFF'S DEPARTMENT – SUPPLEMENTARY REPORT

DATE AUGUST 14, 1986 FILE NO. 086-10407-2537-055

C. ATTEMPT MURDER ON A PEACE OFFICER/ARMED ROBBERY/GRAND THEFT AUTO

Action Taken ACTIVE/INVESTIGATION MADE/ SUBJECTS IN CUSTODY/EVIDENCE HELD

V. #1 - [redacted] MB/27
#2 - PETEE, RANDALL RUSSELL (DEPUTY SHERIFF)
D. #3 - FLANNERY, WILLIAM PHILIP (DEPUTY SHERIFF)

S-ubj-#1 - ARRESTED: [redacted] MB/17, DOB: [redacted]
5'11", 150 LBS., BLACK HAIR, BROWN EYES
[redacted]

CHARGE: BKG. NO. [redacted]
DETAINED: USCLCMC
ARRAIGNMENT: BY HOMICIDE BUREAU

Subj-#2 - ARRESTED: [redacted] MB/16, DOB: [redacted]
5'9", 143 LBS., BLACK HAIR, BROWN EYES
[redacted]

CHARGE: 211 P.C.-ARMED ROBBERY; BKG. NO. [redacted]
DETAINED: LYNWOOD STATION
ARRAIGNMENT: BY HOMICIDE BUREAU

Subj-#3 - ARRESTED: [redacted] MB/16, DOB: [redacted]
6'2", 165 LBS., BLACK HAIR, BROWN EYES
[redacted]

CHARGE:
DETAINED: LYNWOOD STATION
ARRAIGNMENT: BY HOMICIDE BUREAU

EVIDENCE HELD

Item #1 - One (1) expended shotgun shell casing, lying in the street 9 feet 7 inches south of the north curb and 250 feet east of Compton Boulevard.

Item #2 - One (1) expended shotgun shell casing, lying in the street 17 feet 11 inches south of the north curb and 252 feet east of Compton Boulevard.

Item #3 - One (1) revolver, Astra .357 Magnum, stainless steel, serial [redacted] lying in the street, 9 feet 9 inches south of the north curb and 235 feet east of Compton Boulevard.

Item #4 - One (1) black vinyl men's sandal shoe, lying in the street next to Item #3, 9 feet south of the north curb and 235 feet east of Compton Boulevard.

Item #5 - Three (3) live rounds, Remington Peters .38 Special ammunition, removed from the cylinder of Item #3.

Item #6 - One (1) red baseball cap with white letters stating (Philadelphia Sixers) and one black vinyl sandal (mate to Item #4) recovered from the stolen Toyota.

Item #7 - Six (6) expended shell casings from Victim Flannery's revolver, lying in the street approximately 25 feet south of the north curb and 250 feet east of Compton Boulevard.

Item #8 - One (1) expended shotgun shell casing, lying in the street, 18 feet south of the north curb and 253 feet east of Compton Boulevard.

Item #9 - One (1) live round, Remington Peters shotgun ammunition, removed from Departmental issued Ithica shotgun, serial #[redacted]

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On 8-13-86 at approximately 0005 hours, Investigators were dispatched from their respective residences to the location to investigate the circumstances surrounding the shooting of Subject Lomax.

Upon arrival at the location, Investigators contacted Lieutenant Gerald Barnes, Employee #[redacted] Watch Commander, Lynwood Station. Lieutenant Barnes related that Victims Petee and Flannery were working Crime Suppression in plain clothes in an undercover vehicle, when they observed the subjects in a reported stolen vehicle. As the deputies were following the subjects, the subjects stopped the vehicle and upon exiting, the deputies observed the subjects to be armed. Shots were exchanged and Subject [redacted] was hit. A complete report of subsequent actions by deputies at the scene will be made a permanent part of this file.

At 0050 hours, Staff Artist Coleman arrived at the location and took precise measurements. A detailed to-scale drawing will be made of the scene and made a permanent part of this file.

At 0105 hours, Deputy Lowry, Sheriff's Crime Lab, arrived at the location and took photographs as directed by Investigators. A detailed report regarding his actions and observations will be prepared and made a permanent part of this file.

Investigators observed the location to be an east/west street, 44 feet wide, bordered by Compton Avenue on the west and Grandee Avenue on the east. The deputies' undercover vehicle, a blue four door Oldsmobile, license #[redacted] was stopped approximately 250 feet east of Compton Boulevard and approximately in the middle of the street. The car was facing westbound and both the driver and passenger doors were opened.

Immediately beneath the car, under the right front passenger door, deputies observed Evidence Held Item #2. Also underneath the deputies' vehicle, Investigators observed Evidence Held Items 1 and 8. To the west and north of the deputies' car was Item #3, lying in the street. Investigators observed Item #7 lying in the street next to the open driver's door of the deputies' vehicle.

Approximately 175 feet west of the deputies' vehicle, Investigators observed the stolen orange Toyota stopped in the street with both the passenger and driver's door opened.

On the south side of East 104th Street, between Compton and Grandee, is Edwin Markam Elementary School. On the north side of East 104th Street, between Grandee Avenue and Compton Avenue, is a walled parking lot.

At 0145 hours on 8-13-86, Investigator Gaynor responded to Lynwood Station, Detective Bureau, and interviewed Deputy [redacted] Employee #[redacted] Deputy [redacted] stated he went on duty at [redacted] hours on 8-12-86, working Car #[redacted] out of Firestone Station. His partner was [redacted] who was driving the vehicle.

At approximately 2300 hours on 8-12-86, Deputy [redacted] heard a radio broadcast of a robbery occurring at approximately the 1400 Block of East Imperial Highway. They were in the area and advised SRC that they were checking the north end area. Deputy [redacted] said he was later advised that Lynwood Unit #253 was following the 211 vehicle, which was described as an orange Toyota, and also gave the license number. Unit 253 was following the stolen vehicle and subjects northbound on Compton Avenue. They further received a transmission relating that the units were in the Grandee and Compton Avenue area going in a circle pattern.

Deputy [redacted] stated they placed their unit Code 6 at Compton and 104th Street on the southeast corner, facing northbound, on Compton Avenue. In a matter of minutes, Deputy [redacted] observed two sets of headlights travelling westbound on 104th Street towards Compton Avenue. He observed the lead car to be the stolen Toyota with Unit 253 following. The stolen Toyota abruptly stopped and he observed the undercover vehicle stop approximately 15 to 20 feet behind the Toyota. Deputy [redacted] observed two deputies exit their vehicle and one subject exit the driver's side of the Toyota, and he believes that one or two other subjects exited the passenger side of the Toyota. At that time, he heard the Lynwood deputies yell, "Freeze, police". He then heard four to six shots fired, but he did not know who was firing the shots.

Deputy [redacted] then observed two subjects running northbound from the passenger side of the stolen vehicle and one subject running through the parking of the elementary school, which is just south of 104th Street.



Deputy [redacted] stated the subject who was in the parking lot, stopped quickly, turned to his left, toward the Lynwood deputies, and pointed a handgun towards the deputies. Deputy [redacted] at that time, felt the subject was going to shoot at his fellow officers, so he fired two shots towards the subject from his service revolver. He was not certain if he hit his target. Deputy [redacted] stated he was approximately 75 feet to 100 feet from the subject when he fired the two rounds. The subject continued running southbound, jumping over a fence or wall, and continued southbound out of his view. Deputy [redacted] then went to assist the Lynwood deputies.

Investigator then examined Deputy [redacted] service revolver, which was a Smith and Wesson, Model 15, four inch, blue steel revolver, Departmental issue. The cylinder of this weapon contained six live Departmental issued .38 caliber rounds. Deputy [redacted] then handed Investigator Gaynor two spent .38 caliber Departmental issued rounds from his pocket, stating that after he fired his rounds, he re-loaded his revolver. Deputy [redacted] was advised to take his weapon, spent rounds, and live ammunition to the Firearms Section and have them test fired. Deputy [redacted] could add nothing further and the interview was terminated.

At 0210 hours on 8-13-86, Investigator Gaynor interviewed Deputy [redacted] Employee #[redacted] Deputy [redacted] is assigned to Firestone Station and is working [redacted] with Deputy [redacted] as the "book" man.

At approximately 2300 hours, Deputy [redacted] heard a radio transmission of a 211 call occurring somewhere on Imperial Highway near their 10-20. He also heard over his radio that Lynwood Unit #253 was following the suspect vehicle on Compton Avenue. At that time, Deputy [redacted] drove his radio car to the corner of 104th Street and Compton Boulevard and parked it, awaiting arrival of the suspect vehicle. Minutes later, Deputy [redacted] observed the suspect vehicle westbound on 104th Street with Lynwood Unit #253 following.

Deputy [redacted] observed the suspect vehicle stop, observed one male run from the driver's side, and observed two other males run northbound from the passenger's side. Deputy [redacted] heard the Lynwood deputies yell, "Stop" or something to that effect, then heard approximately six to eight shots. Deputy [redacted] stated that Deputy [redacted] was now out of the radio car and was moving towards the subject, who was running southbound through the parking lot of the school.

Deputy [redacted] observed this subject, who was running southbound in the parking lot, suddenly stop and turn towards the Lynwood deputies. He then saw his partner, Deputy [redacted] fire two shots at the subject's position, and the subject continued running southbound. At that time, Deputy [redacted] initiated a "998" broadcast. Deputy [redacted] stated he did not fire any rounds from his weapon.



Investigator Gaynor examined Deputy [redacted] weapon, which was a Departmentally issued .38 caliber Smith and Wesson, Model 15, four inch revolver, loaded with six live Departmentally issued .38 caliber rounds. Deputy [redacted] could add nothing further and the interview was terminated.

At 0230 hours, Investigator Gaynor interviewed Victim #1 - [redacted] Approximately five minutes into the interview Mr. [redacted] advised Investigator Gaynor that he had already been interviewed by responding deputies and that they had taken a full report regarding the theft of his vehicle. Mr. [redacted] entire statement will be contained in the handling deputies' first report.

At 0240 hours on 8-13-86, Investigators Horton and Lyons interviewed Deputy RANDALL RUSSELL PETEE, MW/[redacted] Employee #[redacted] Victim #2 in this case. Deputy Petee stated that on his regular shift, Tuesday 8-12-86, he and his partner, Victim #3 (Deputy Flannery) were working the P.M. shift [redacted]

At approximately 2130 hours, they were asked if they wanted to work an undercover crime suppression unit. They agreed and changed clothes to street attire, and were issued an unmarked County vehicle. Deputy Petee stated that Deputy Flannery, who was the driver of the car, pulled into the Arco Gas Station at 1340 E. Imperial Highway. Deputy Petee was getting out of the car to use the telephone, when the radio advised them that a robbery had just occurred at the location where they were. A description was given of an orange Toyota Corolla, license #[redacted] with three male Blacks, headed toward the Projects across the street. Deputy Petee said they immediately left the Arco Gas Station and drove into the Projects (Nickerson Gardens). They patrolled the area for approximately two to three minutes, looking for the vehicle, and as they were approaching Compton Avenue from 114th Street, Deputy Flannery stated, "I think a Toyota is behind us."

Deputy Petee stated that Deputy Flannery turned southbound onto Compton Avenue and pulled over to the side and stopped. They looked behind them and observed that the car behind them was an orange Toyota fitting the description of the stolen vehicle. They further observed the vehicle turn northbound onto Compton Avenue from 114th Street. Deputy Petee related that Deputy Flannery initiated a U-turn and when they got behind the car, they confirmed the license plate of the stolen vehicle. After making this confirmation, they advised that they were following the three subjects in the stolen vehicle.

They followed the vehicle as it made a right or eastbound turn onto 103rd Street from Compton Avenue, and continued to follow it as it made a right or southbound turn from 103rd Street onto Grandee Avenue. The vehicle then turned right or westbound onto 104th Street from Grandee Avenue.

Deputy Petee stated they (Petee and Flanner) sped up at this time and he believes that is when the subjects discovered they were being followed. Deputy Petee related that as they were following the subjects westbound on 104th Street, he observed a radio car with its red lights flashing at Compton and 104th Street. Simultaneously with this observation, the suspect vehicle stopped abruptly and he observed one subject alight the vehicle from the driver's side and two subjects alight the vehicle from the passenger's side. Deputy Petee was seated in the right front passenger's seat of the radio car. He put the shotgun he was holding through the open passenger window and yelled at the subjects, "Sheriff's Department, freeze." He continued yelling at them to stop.

Deputy Petee observed the subject in the right front passenger seat of the stolen vehicle to have a large shiney gun in his right hand as he exited the car. As the subject in the rear seat exited the passenger's side, immediately behind the front passenger, he heard a bang and saw a flash from the area of the car. He then fired one round from the shotgun at the subjects, and fired a second round when nobody had gone down.

Through his perpheral vision, Deputy Petee observed the driver of the vehicle fleeing in a southerly direction. He believes the subjects only fired one round at he and his partner. Deputy Petee stated he was aware that his partner was firing from a position on the driver's side of their vehicle, but he did not see what direction his partner was firing.

Deputy Petee stated that the subject inthe front seat of the vehicle did not fall to the ground until he was hit, and this did not occur until the subject had reached the north sidewalk. Deputy Petee and his partner held the two passenger subjects at gunpoint until assisting units arrived and placed them under arrest.

On 8-13-86 at 0400 hours, Investigators interviewed Victim #3 - PATRICK FLANNERY, MW/[redacted] Employee #[redacted] Deputy Flannery told Investigators that on 8-12-86, he started his shift at [redacted] hours in uniform in a marked radio car with Deputy Petee as his partner.

At approximately 2130 hours, he and Deputy Petee were asked if they wanted to work a robbery suppression unit undercover. They said yes and changed into plain clothes and obtained an undercover car. Deputy Flannery said he was the driver of the vehicle and after patrolling the area for a short time, he pulled into the gas station at 1340 East Imperial Highway, Los Angeles. Deputy Petee was going to use the phones when he heard the desk relate over the radio that a 211 had just occurred at their location. The desk advised that three male Blacks had 211ed an orange Toyota Corolla, license #[redacted] from a victim at the location minutes earlier.

The desk was advised that the subjects had driven into the area of the Projects. Deputy Flannery and his partner immediately drove into the area of the Projects, looking for the vehicle. As they were driving around, Deputy Flannery looked into his rearview mirror and observed headlights behind him, from a vehicle which he thought might be a Toyota. He was driving eastbound on 114th Street and turned southbound onto Compton Boulevard and stopped. He then observed the car that was behind him pull up to the corner and as it turned northbound from 114th Street onto Compton Avenue, he saw that it was in fact an orange Toyota.

Deputy Flannery initiated a U-turn and pulled in behind the vehicle. At this time, Deputy Petee confirmed, via radio, the license plate of the stolen vehicle, and when that was confirmed, they began to follow the vehicle, broadcasting their direction. When they approached 103rd Street, the subjects in the vehicle started to turn around and look at them, but he was not sure if they had "made" them or not. The car turned east onto 103rd Street and south onto Grandee. When the subjects turned west onto 104th Street, Deputy Flannery felt positive that the subjects knew they were being followed.

As the car was driving westbound on 104th Street, the car stopped and he observed the driver bail out of the vehicle through the driver's door and start running southbound toward the school. He observed two people get out of the passenger's side and observed one of these two people to be armed. Deputy Flannery got out of the driver's door and turned toward the subject/driver, who was back pedaling and holding a blue steel weapon in his hand, which was pointed directly at the deputies. At this time, Deputy Flannery fired two times from his service revolver in the direction of the driver, then turned to his right toward the two passengers, fired twice at them, and turned back toward the direction of the subject/driver and fired twice again. He did not know if he hit the driver of the vehicle. He saw the driver flee toward a fence by the school and then out of his sight.

During the gun fire, he heard the shotgun blast from his partner, but he does not know how many times the shotgun was fired, nor in what direction. After the two passengers were down, Deputy Flannery and his partner held them at gunpoint until assisting units arrived and placed them under arrest. Deputy Flannery could add nothing further and the interview was terminated.

Subject [redacted] was transported to Martin Luther King Hospital and subsequently taken to USCLCMC Jail Wards for booking. Subject [redacted] was booked at Lynwood Station.

At 0455 hours on 8-13-86, Investigators interviewed Subject [redacted] at Lynwood Station. Subject [redacted] was advised of his Constitutional Rights per Departmental Form Shad 514. He stated he understood his Rights and would talk to Investigators without an attorney present.

Subject [redacted] also signed and dated the Rights card in the presence of Investigators. This card will be submitted and made a permanent part of this file.

Subject [redacted] stated that earlier in the evening of 8-12-86, he met Subject [redacted] and another male Black, known only to him as [redacted] on the street in the vicinity of his residence on [redacted] Street. At that time, Subject [redacted] had a chrome plated .357 Magnum with him and asked him if he wanted to join them in taking a vehicle from someone at the Arco Gas Station on Imperial Highway across from the Nickerson Gardens Projects.

Subject [redacted] stated the three of them waited across the street from the gas station until they saw the Toyota pull in to get gas. The three subjects then crossed Imperial Highway and approached Victim [redacted] as he was locking the gas cap of his vehicle. Subject [redacted] put the gun to the victim's head and [redacted] grabbed the keys from the victim's gas cap. [redacted] got into the driver's seat of the vehicle and Subject [redacted] got into the right front passenger seat. At this point, Subject [redacted] ran back across the street and into the Nickerson Gardens. [redacted] and Subject [redacted] drove away from the location and to the Projects and picked up Subject [redacted]

Subject [redacted] stated they were driving around in the Projects, when they noticed a car was following them. The car that was following them appeared to have a shotgun pointed out the passenger's side window. As they were approaching Compton Avenue on 104th Street, with the car still following them, they saw a Sheriff's marked Black and White vehicle with its red lights rotating, in front of them at Compton Avenue and 104th Street. At this point, [redacted] stopped the car and all three of the subjects exited. Subject [redacted] still had the chrome handgun and as they exited the vehicle, Subject [redacted] threw the handgun to the pavement.

Subject [redacted] stated that at one point, several shots were fired in their direction by the deputies and Subject [redacted] fell to the ground. Subject [redacted] stated he then dropped to the ground for fear of being shot.

Subject [redacted] denied hearing any deputies identify themselves prior to the shots being fired. He did at one point hear someone yell "freeze"; however, he was positive that the car that was following them were police officers. Subject [redacted] also stated that no one from their vehicle fired any shots at the deputies. Subject [redacted] said the only gun in the vehicle was the chrome .357 that was recovered. He said he had never touched the gun and to his knowledge, Subject [redacted] was the only one whoever handled the gun. Subject [redacted] also denied that [redacted] had a separate handgun. Subject [redacted] could add nothing further and the interview was terminated.



Deputy Moran, Lynwood Detective Bureau, identified Subject [redacted] as [redacted] DOB: [redacted] Deputy Moran and Lynwood uniformed deputies checked this location at approximately 0315 hours on 8-13-86 and contacted the subject's [redacted] At this time, Subject [redacted] was not at home and Deputy Moran advised the [redacted] to bring the subject to Lynwood Station as soon as he returned home.

On 8-13-86 at approximately 2300 hours, Investigators were advised by Detective Moran, Lynwood Station, that Subject [redacted] was in custody at Lynwood Station.

On 8-14-86, Evidence Item 1, 2, 3, 5, 6, 7, 8, and 9, were transported to the Sheriff's Crime Lab under Lab Receipt #074883. Evidence Items 4 and 6 were booked into evidence at the Homicide Bureau.

Investigation is continuing; further reports to follow.

BY: SGT. DAVID HORTON, [redacted]
INV. WILLIAM GAYNOR, [redacted]
INV. CHERYL LYONS, [redacted]
APPROVED: LIEUTENANT CHARLES BRADLEY
HOMICIDE BUREAU - DETECTIVE DIVISION

Caldwell/SSI